

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
Alexandria Division

ROSY GIRON DE REYES, *et al.*,

*Plaintiffs,*

vs.

WAPLES MOBILE HOME PARK LIMITED  
PARTNERSHIP, *et al.*,

*Defendants.*

Civ. No. 1:16-cv-00563 (TSE/TCB)

**JOINT MOTION FOR EXTENSION OF TIME  
AND ENTRY OF BRIEFING SCHEDULE**

Pursuant to Fed. R. Civ. P. 6(b), the parties jointly move this Court to extend the deadline for Motions in Limine, and to set a briefing schedule. In support of this request, the parties respectfully represent as follows:

1. In late March 2020, the global COVID-19 pandemic abruptly reduced this Court's in-person proceedings to "critical or emergency proceedings" only. On May 26, 2020, the Court resumed certain in-person proceedings, but determined:

**No civil jury trials shall be conducted until further notice**, as the interests of justice require the prioritization of criminal jury trials during the upcoming months. After criminal jury trials resume, the Court will reassess its capacity to conduct civil jury trials and then establish a timeline for the resumption of such trials.

*See* General Order No. 2020-16 at ¶ 6. On September 24, the Court entered General Order No. 2020-21, which provided for the resumption of criminal, but not civil, jury trials, and noted that the Court was still facing a significant burden in scheduling criminal trials.

2. Accordingly, on September 25, this Court held that it was not yet appropriate to set a trial date in the above-captioned action. *See* Dkt. No. 297. The court set December 4, 2020 at 5:00pm as the deadline for pretrial submissions and Motions in Limine. *Id.*

3. The COVID-19 pandemic has waxed and waned, but not abated. Just days ago, one of the nation's leading infectious disease specialists, Dr. Anthony S. Fauci, M.D., Director of the National Institute of Allergy and Infectious Diseases, recently stated that the nation is "in for a whole lot of hurt" and is "not [in] a good situation," predicting a long and deadly winter.<sup>1</sup> Likewise, Dr. Deborah Birx, coordinator of the White House coronavirus task force, stated, "We are entering the most concerning and most deadly phase of this pandemic . . . leading to increasing mortality."<sup>2</sup>

4. Although the parties are eager to try this case to a jury and bring it to a conclusion, criminal jury trials must be given priority and it appears that a jury trial in this case is unlikely to take place before Spring 2021 at the earliest.

5. Accordingly, the parties jointly respectfully request an extension of the deadline for Motions in Limine. Specifically, the parties respectfully request the following briefing deadlines:

- a. All Motions in Limine to be filed on or before January 11, 2020;
- b. Any memoranda in opposition thereto to be filed on or before February 1, 2020;
- c. Any reply memoranda to be filed on or before February 15, 2020; and
- d. The Motions in Limine to be heard at the Court's convenience as soon as possible thereafter.

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<sup>1</sup> Josh Dawsey and Yasmeen Abutaleb, "'A whole lot of hurt': Fauci warns of covid-19 surge, offers blunt assessment of Trump's response," The Washington Post (Oct. 31, 2020), available at [https://www.washingtonpost.com/politics/fauci-covid-winter-forecast/2020/10/31/e3970eb0-1b8b-11eb-bb35-2dcfdab0a345\\_story.html](https://www.washingtonpost.com/politics/fauci-covid-winter-forecast/2020/10/31/e3970eb0-1b8b-11eb-bb35-2dcfdab0a345_story.html).

<sup>2</sup> Lena H. Sun and Josh Dawsey, "Top Trump adviser bluntly contradicts president on covid-19 threat, urging all-out response," The Washington Post (Nov. 2, 2020), available at <https://www.washingtonpost.com/health/2020/11/02/deborah-birx-covid-trump/>.

6. The deadline for pretrial submissions would remain December 4, 2020, at 5:00pm.

7. Should future developments in this Court's operating status make an earlier trial date possible, the parties will immediately meet and confer to propose revised deadlines and a revised briefing schedule in order to ensure that the forthcoming Motions in Limine can be adjudicated prior to the start of trial.

8. A proposed order is attached for the Court's convenience. The parties waive hearing on this Joint Motion.

Respectfully submitted,

November 5, 2020

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Respectfully submitted,

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/s/

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**Certificate of Service**

I hereby certify that on this 5th day of November, 2020, I caused the foregoing, along with all attachments thereto, to be filed electronically with the Clerk of the Court using CM/ECF, which will then send a notification of such filing (NEF) to all counsel of record.

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